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Date: September 22, 2004 Planning Commission Meeting

Item No.

## MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: Public Hearing

Report Prepared by: Troy Fujimoto

Public Hearing: Yes: X No: \_\_\_\_\_

Notices Mailed On: 9/10/2004 Published On: 9/9/2004 Posted On: 9/10/2004

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**TITLE:** USE PERMIT NO. UP2004-25

**Proposal:** A request for a temporary tract office and signs for the Parc Place residential project.

**Location:** 95 E. Curtis Avenue

**APN:** 086-25-024

**RECOMMENDATION:** Approval with Conditions

**Applicant:** Craig Champion, Western Pacific Housing, 6658 Owens Drive, Pleasanton, CA 94588

**Property Owner:** Craig Champion, Western Pacific Housing, 6658 Owens Drive, Pleasanton, CA 94588

**Previous Action(s):** Tentative Map, GPA, Zone Change, "S"-Zone, Use Permit

**General Plan Designation:** Multi-Family Very High Residential Density

**Present Zoning:** Multi-Family Very High Density with an "S"-Zone overlay (R4-S)

**Existing Land Use:** Vacant Land

**Agenda Sent To:** Applicant/Owner, same as above

**Attachments:** Plans

PJ#3169

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### BACKGROUND

In September 2004, the City approved a 285-unit residential development on the site of a former Lockheed industrial warehouse. Since this time the applicant has been preparing plans and has done grading to prepare the site for construction of the new homes. As the construction progresses on the site the applicant is at a point where construction and opening of the office and model home will soon be open for prospective homebuyers.

## THE APPLICATION/ PROJECT DESCRIPTION

Pursuant to Section 8.04 of the Zoning Ordinance (Temporary tract office and signs), the applicant is requesting approval of a use permit to allow a temporary tract office and two (2) on-site tract signs for a period of 24 months, as part of the Parc Place development. The office will be located in future recreation/pool building. The office will be used to accommodate sales staff and prospective buyers during the home buying process. The use will be temporary in nature and will be converted into the recreation building (as originally approved) once the sales period has ended.

The on-site tract signs will be located at the corner of Parc Lane and Curtis Avenue and the corner of Hammond and Curtis Avenue. The signs will have a face that is four by eight feet. The signs will be identifying the new Parc Place development and will have contact, directions, and other project related information. In addition, the applicant will have a smaller sign adjacent to the sales office identifying the sales center.

### Site Description

The project site comprises approximately 7.3 acres and is to the north of the Great Mall shopping center and the Parc Metropolitan residential development. To the east are industrial uses and a railroad line. To the north is an auto yard that is used to load and offload deliveries that arrive by rail. To the east is Hammond Avenue and another rail line and various light industrial and commercial uses.

### Site and Floor Plan

The applicant is proposing to locate in the future recreation building that is located in a central location on the site. Access to the tract office will be off of Curtis Avenue. The driveway will run north to south with the office off to the east. Parking will be provided along the driveway with a handicap space fronting the building.

The floor plan shows two rooms. One will be the "closing office" and the other will be the larger room that will contain the sales and seating area.

## USE PERMIT FINDINGS

Any approval of a Use Permit or Use Permit Amendment requires that the Planning Commission make the following findings:

1. The proposed use is consistent with the Milpitas Zoning Ordinance.
2. The proposed use is consistent with the Milpitas General Plan.
3. The proposed use, at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare.

The following sections explain how these findings can be made for the proposed project, as conditioned.

### Conformance with the General Plan

The project conforms to the General Plan in that the use directly relates to:

**Implementing Policy 2.a-1-22** which encourages development of the Midtown area as an attractive and economically vital district that accommodates a mixture of housing within a

system of landscaped boulevards, streets and pedestrian/bicycle linkages. The proposed project meets the intent of the Midtown Specific Plan and is part of the home selling process that will facilitate the creation of new homes within the Midtown area.

**Implementing Policy 2.b-I-3** which provides housing opportunities in Milpitas by meeting the City's regional fair-share housing obligations. The project is part of the larger housing development, which will add 285 new housing units to the city, thus, providing to Milpitas' fair share to the region.

### **Conformance with the Zoning Ordinance**

The proposed project is located in the Multi-Family Very High Residential zoning district with a site and architectural overlay (R4-S). Part of this district's purpose is to "provide for higher-density residential "villages" structured around streets, open spaces, trails..." The project, while not directly a residential use, is occurring to support the forthcoming residential units planned for the site. The tract office will be used to facilitate sales of homes at the site. The zoning ordinance allows temporary tract offices following review and approval of a use permit by the Planning Commission.

In addition, since the recreational building has already been reviewed and approved with a previous permit, it will be in conformance with the development standards of the R4 district and with the previous project conditions of approval.

The zoning ordinance and the sign ordinance conditionally allow temporary tract signs subject to certain requirements. One of the requirements is that the signs shall be located within 150 feet of any residential building. However, the on-site signs as proposed will be approximately 75 feet away from residential buildings across Curtis Avenue. The main entry to the project is located off of Curtis and the sign will be used to direct patrons to the sales office and models. There are residential buildings along the entire length of Curtis Avenue, thus, not affording any other location to place the sign such that it will be 150 feet away from residential buildings. Because of this reason and because the signs will be located adjacent to and on the project property, will be used to identify the site, and because the residential buildings are across the street from the signs (not adjacent to), staff is supportive of the location of these signs within 150 feet of residential building. To be in conformance with the zoning and sign ordinance, *staff recommends* the following conditions:

1. Signs shall not exceed 12 feet in height.
2. Signs shall not be located within 100 feet of any existing sign.
3. Signs shall be set back at least fifteen (15) feet from any property boundary line.

### **Neighborhood/Community Impact**

The proposed use is not expected to have any impact on the neighborhood. The use itself is temporary in nature and is a common practice with the sales of any new residential project. The office will be located in the future recreational building for the project. Once the homes are sold, the tract office and signs will no longer exist, thus, not having any impact on the neighborhood. To ensure that the signs are removed once the sales period is over, *staff recommends* that the applicant enter into a signed agreement that upon cessation of the use permit, the signs shall be removed within 15 days of expiration of the use permit. The agreement shall be accompanied by

a refundable cash deposit of fifty (\$50) dollars per sign. The monies shall be used to defray the cost of sign removal should the permit holder not remove the signs in a timely manner.

### **Provision of Utilities**

The temporary office will be connected to existing utilities that are located on-site; this includes electricity, water, and sewer.

### **Traffic, Parking and Circulation**

The applicant is proposing parking off of Parc Lane to accommodate patrons to the site. In addition the applicant has configured the parking area to allow ingress and egress to the sales office. While the office, parking lot and models are all in close proximity to the site, *staff recommends* the applicant resubmit a site plan that shows the parking, sales office and models be physically separated from all construction activities through the use of a barrier to the approval of the Planning Division.

### **RECOMMENDATION**

Close the Public Hearing. Approve Use Permit No. UP2004-25 based on the Findings and Special Conditions of Approval listed below:

### **FINDINGS**

1. The proposed project is categorically exempt from further environmental review pursuant to Class 1, Section 15301 (Existing Facilities) of the state CEQA Guidelines.
2. The proposed temporary tract office and signs are consistent with the City of Milpitas Zoning Ordinance and General Plan in terms of land use for Multi-Family Very High Residential zoning as it is a conditional use in the district.
3. As conditioned, the use will not be detrimental or injurious to the public health, safety, and general welfare to adjacent tenants or the surrounding community because the use is temporary in nature and adequate parking will be provided for future users of the facility and construction activities will be physically separated.

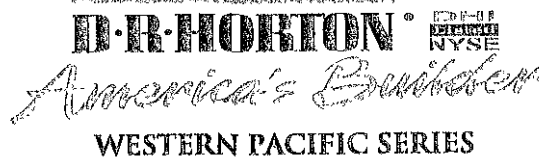
### **SPECIAL CONDITIONS**

1. This Use Permit No. P-UP2004-25 approval is a temporary sales office and two (2) associated tract signs as shown on approved plans dated September 22, 2004, except as may be otherwise modified by these conditions of approval. Modifications to the proposed use will require review and approval by the Planning Commission of an amendment to this Use Permit. (P)
2. This use shall be conducted in compliance with all appropriate local, state and federal laws and regulations. (P)
3. This permit will expire without notification to the applicant on September 22, 2006 (24 months from the date of approval). (P)
4. Prior to occupancy of the sales office, the applicant shall resubmit a site plan that shows the parking, sales office and models be physically separated from all construction activities through the use of a barrier. The location and type of barrier shall be to the approval of the Planning Division. (P)

5. All temporary tract signs shall conform to the following standards: (P)
  - a. Signs shall not exceed 12 feet in height.
  - b. Signs shall not be located within 100 feet of any existing sign.
  - c. Signs shall be set back at least fifteen (15) feet from any property boundary line.
6. Prior to building permit for the off-site signs, the applicant shall provide written approval from the property owner upon which the off-site signs are to be located. (P)
7. Prior to occupation of the sales office, the applicant shall enter into a signed agreement that upon cessation of the use permit, the signs shall be removed within 15 days of expiration of the use permit. The agreement shall be accompanied by a refundable cash deposit of fifty (\$50) dollars per sign. The monies shall be used to defray the cost of sign removal should the permit holder not remove the signs in a timely manner. (P)
8. The developer shall not obstruct the noted sight distance areas as indicated on the City standard drawing #405. Overall cumulative height of the grading, landscaping & signs as determined by sight distance shall not exceed 2 feet when measured from street elevation.  
  
Relocate the proposed temporary sign at the Northeast corner of Parc Lane and Curtis Avenue to the Northwest corner of this intersection to clear the line of sight and proposed/existing utilities. (E)
9. Prior to any work within public right of way or City easement, the developer shall obtain an encroachment permit from City of Milpitas Engineering Division. (E)
10. This development is subject to the special conditions and notes of the approved subdivision Tentative Map. (E)
11. If at the time of application for permit there is a project job account balance due to the City for recovery of review fees, review of permits will not be initiated until the balance is paid in full. (P)
12. If at the time of application for a certificate of occupancy there is a project job account balance due to the City for recovery of review fees, a certificate of occupancy shall not be issued until the balance is paid in full. (P)

(P) = Planning Division

(E) = Engineering Division



September 1, 2004

Mr. Troy Fujimoto  
City of Milpitas  
455 E. Calaveras Blvd.  
Milpitas, CA 95035-5479

Re: Parc Place Temporary Sales Office

Dear Troy;

Western Pacific Housing ("WPH") is submitting the enclosed application and check for \$1,000 for a temporary use permit to conduct sales activity at Parc Place from the recreation building that is currently under construction.

As background, Parc Place will consist of 285 "for sale" residential condominiums and a recreation center consisting of recreation building, pool and spa. The recreation building has a meeting room area of approx. 400 sq. ft. that WPH would temporarily modify to serve as a sales office for the sale of the 285 units. Sales are expected to commence this October, and be completed in approx. two years.

Upon completion of sales, WPH will convert the facility to use as a recreation building, and convey the recreation center to the Parc Place Homeowners Association. While WPH is using the recreation building, Parc Place homeowners would be permitted to use the pool/spa and rest room facilities of the recreation center. This is not expected to commence until April of 2005 when first occupancies are projected.

The sales office would be open daily (except Thanksgiving, Christmas, and New Year's) and with the following hours of operation:

Summer: Weekends-10am-6pm Weekdays-3pm-6pm  
Winter: Weekends-10am-5pm Weekdays-3pm-5pm

Although the sales office would open in October, models are not expected to be available for public showing until their completion scheduled for next April. During this time sales would focus on displays and promotional material within the sales office.

Access to the sales office would be via Curtis Avenue, with left turn onto Parc Lane. Parc Lane will have a temporary asphalt driveway. An ADA accessible parking stall will be provided immediately in front of the sales office. Other parking will be provided on the west side of Parc Lane in parallel parking configuration (see plan enclosed). A

"hammerhead" turnaround is provided. The permanent restroom facilities of the recreation building would be made available for public use. Upon completion of permanent improvements to Parc Place Drive, the hammerhead would be removed, and permanent paving and underground utilities installed on Parc Lane. This is anticipated to occur by February next year. The ADA parking stall would remain in front of the recreation building, but be reconfigured to the permanent approved position.

Temporary underground utilities would be provided to the sales office, including gas, electric, and septic sewer as approved by the City. The underground water line would be a permanent installation as approved by the City. Fire flow will be provided as approved by the City Fire Dept. Upon completion of the permanent utility connections to the recreation building, the temporary lines will be removed. Exterior lighting and landscaping will be provided as noted on the plans.

During weekdays there will be some overlap between sales and construction (typically between 3pm and 5:30pm). Construction areas will be temporarily fenced off to ensure separation between these two activities.

Relative to signage, the enclosed plans identify permanent and temporary signage. Permanent entry monument plans are included, and are the same as submitted with the site permit application. Until the permanent entry monuments are installed on the corners of Hammond/Curtis and Curtis/Parc Lane, we will be using the temporary signs enclosed (refer to 11"x17" package). A sales center sign will be located adjacent to the sales office. The detail of this sign is included (refer to 11"x17" package).

Model plan types will be identified by the enclosed signage that will be located adjacent to the entry door to each model (refer to 11"x17" package).

I appreciate your assistance in having this favorably presented to the Milpitas Planning Commission.

Sincerely,



Craig Champion  
Project Manager

FOR D.R. HORTON INC.



CITY OF MILPITAS BENCHMARK "ABE-CUR", A BRASS DISC IN MONUMENT WELL AT INTERSECTION OF SOUTH ABEL STREET AND CURTIS AVENUE. ELEVATION = 21.418 (1992 DATUM), EQUAL TO CITY OF MILPITAS BENCHMARK "ABE-CUR", A BRASS DISK IN MONUMENT WELL AT INTERSECTION OF SOUTH ABEL STREET AND CURTIS AVENUE. NGVD 29 ELEVATION 21.407 (CITY OF MILPITAS ENGINEERING DIVISION BENCHMARK SYSTEM 2/21/02)

- Cover Sheet/Vicinity Map
- Rendering (Showing rec center usage)
- Site Plan/Entry Monuments
- Sales Office Site Plan
- Sales Office Planting Plan
- Storm Water Plan
- Sales Office Elevations
- Sales Office Floor Plan
- Sales Office Location Sign
- Typical Model Plan (Plan 1) Sign
- Temporary Onsite Directional Sign
- Temporary Onsite Directional Sign

SHEET

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REVISIONS

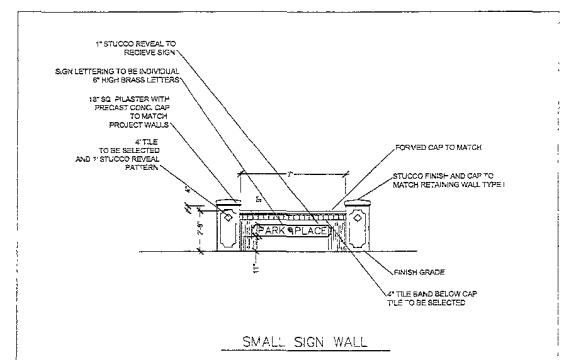
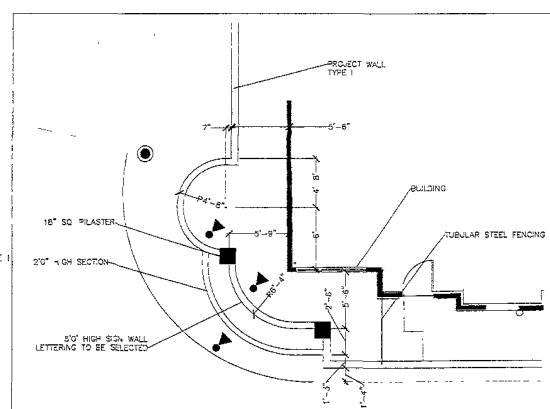
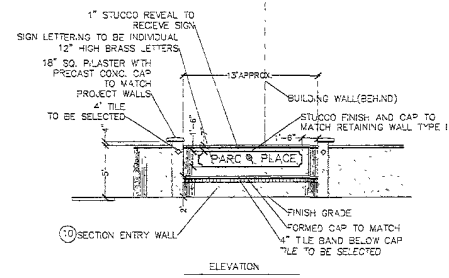
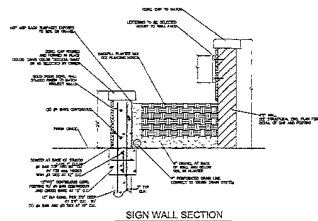
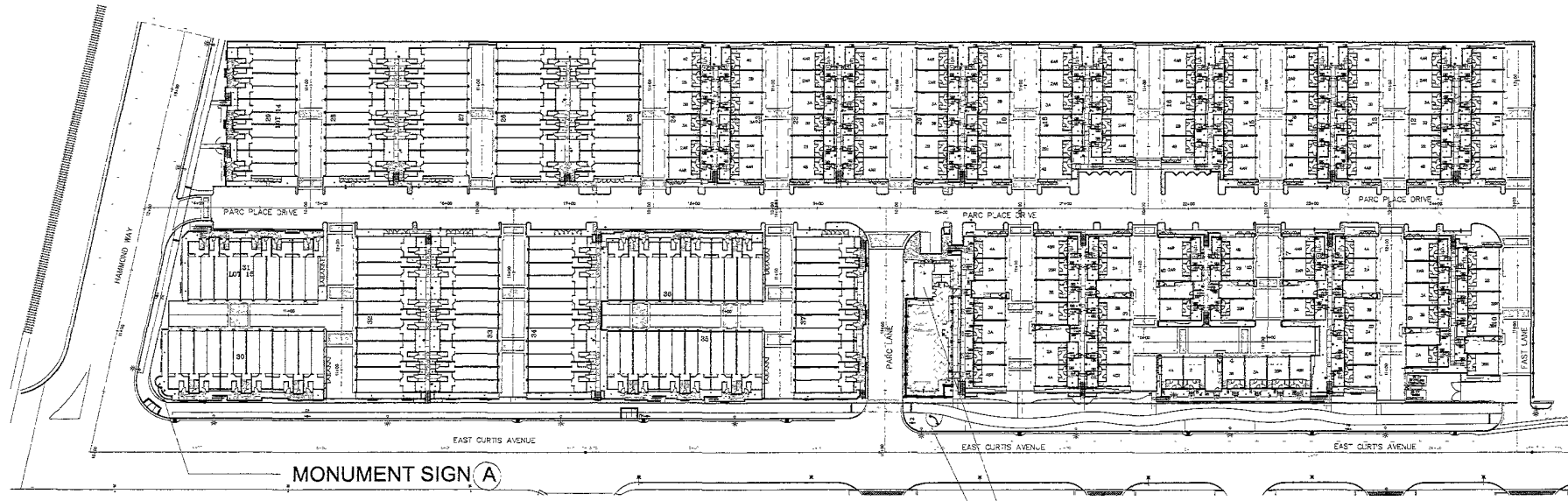
**PARC PLACE  
MILPITAS, CALIFORNIA**  
D.R. HORTON INC.



**SITE PLAN  
SALES OFFICE**

DESIGNED	DRANKA
CHECKED	AUS
DATE	8-31-04
SCALE	AS SHOWN

SHEET
1 OF 1



**ENLARGEMENT: ENTRY SIGNS AND PLANTERS**

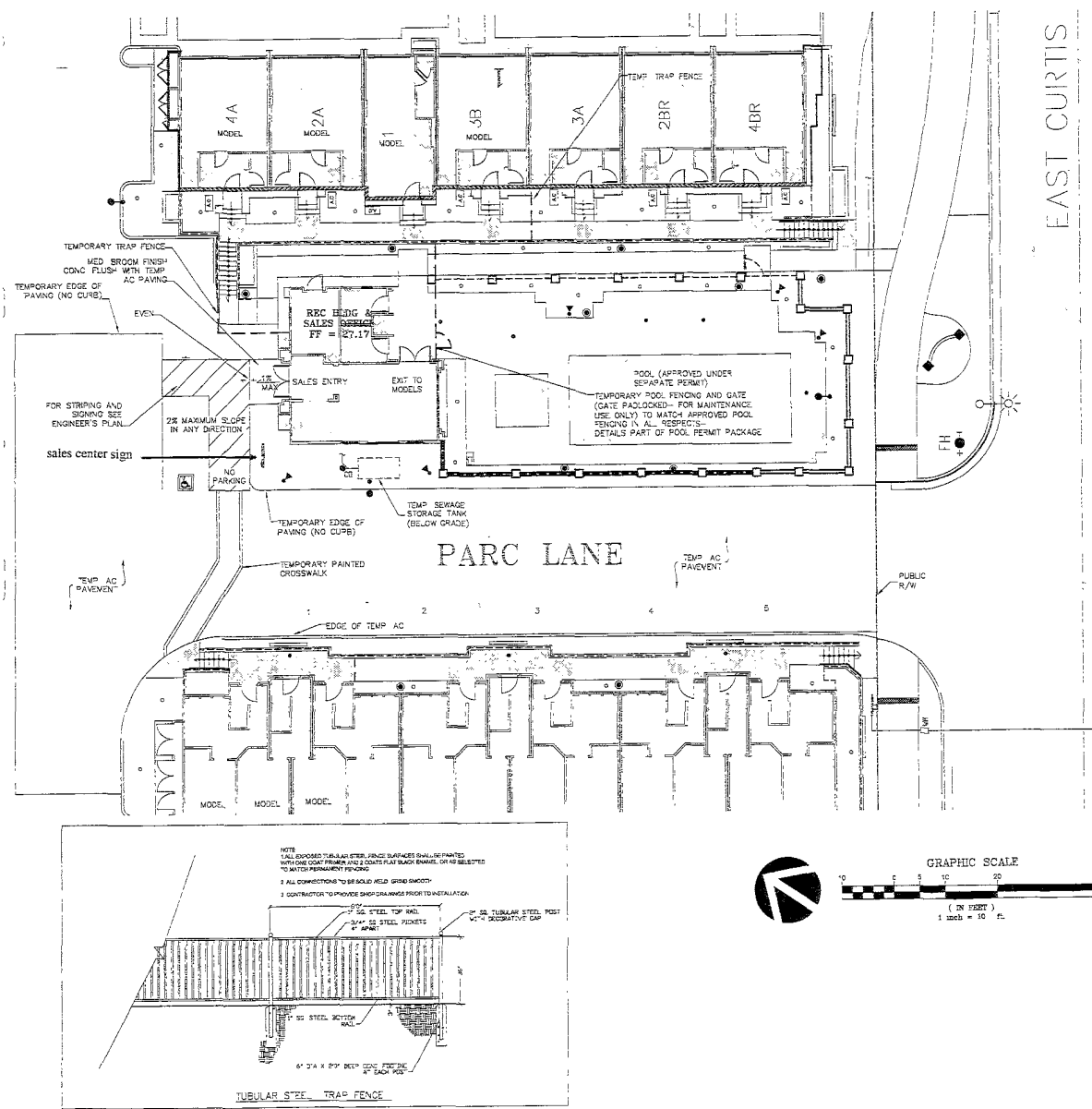
REVISIONS

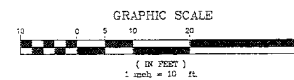
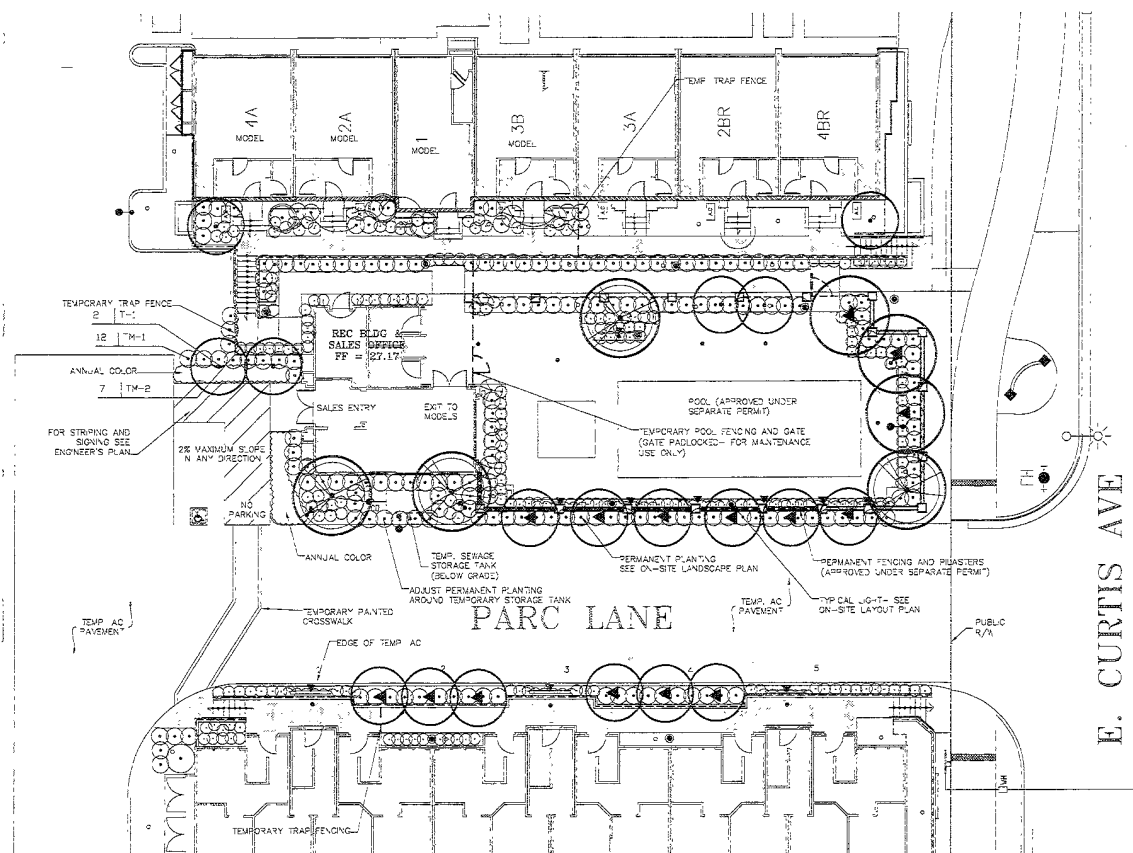
**PARC PLACE**  
 MILPITAS, CALIFORNIA  
 D.R. HORTON INC.

**LAYOUT PLAN  
 TEMPORARY  
 SALES PLAN**

DESIGNED	DRW
CHECKED	AS
DATE	8-31-04
SCALE	1/8" = 1' - 0"

SHEET	1 OF 1
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#### TEMPORARY PLANT LIST

T-1: ERIOBOTRYA JAPONICA (LOQUAT) 15 GA.  
TM-1: ESCALLONIA FRADESII (ESCALLONIA HEDGE) 5 GA.  
TM-2: RHAPHIOLEPIS 'BALLERINA' (PINK INDIA HAWTHORN) 5 GA.  
ANNUAL COLOR: FROM 4" POTS AT 6" O.C. ROTATE BY SEASON

IRRIGATION HEADS AND PIPING TO BE INSTALLED PER ON-SITE IRRIGATION PLAN WITH A TEMPORARY CONNECTION TO TEMPORARY DOMESTIC SERVICE. (SEE ENGINEER'S PLANS FOR LOCATION)  
INSTALL REDUCED PRESSURE BACKFLOW DEVICE AT POINT OF CONNECTION.

REVISIONS

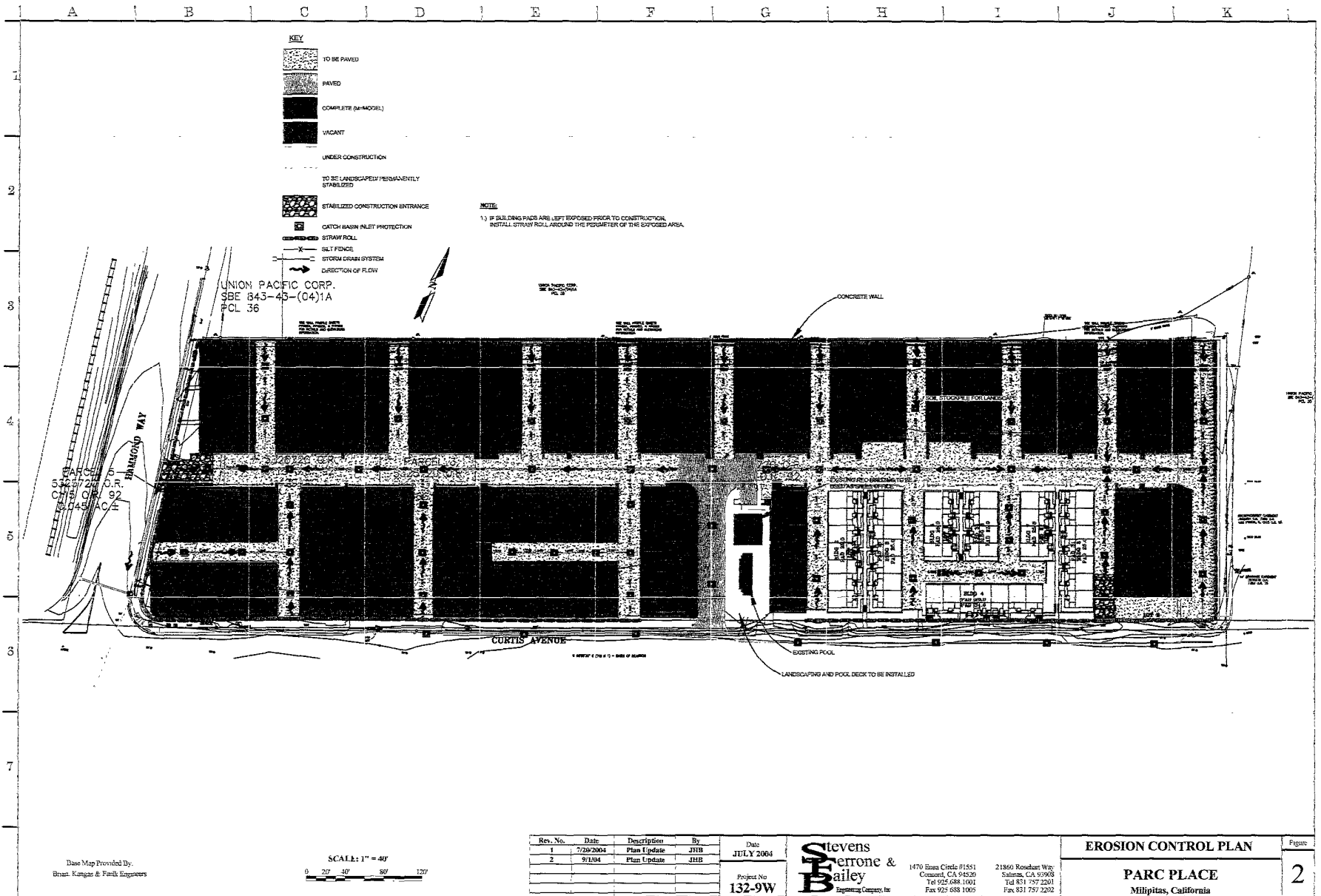
PARC PLACE  
MILPITAS, CALIFORNIA  
D.R. HORTON INC.

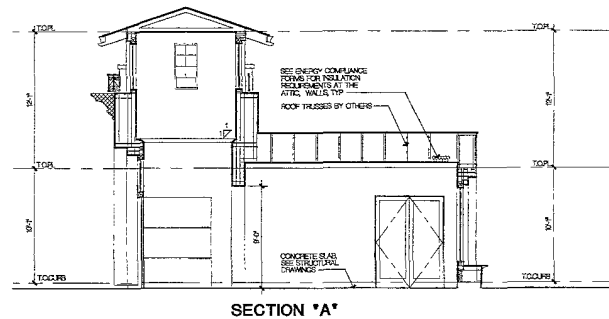
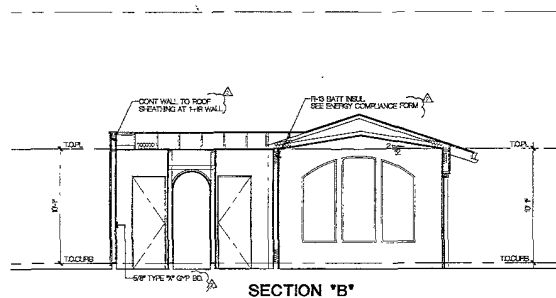


PLANTING PLAN  
TEMPORARY  
SALES PLAN

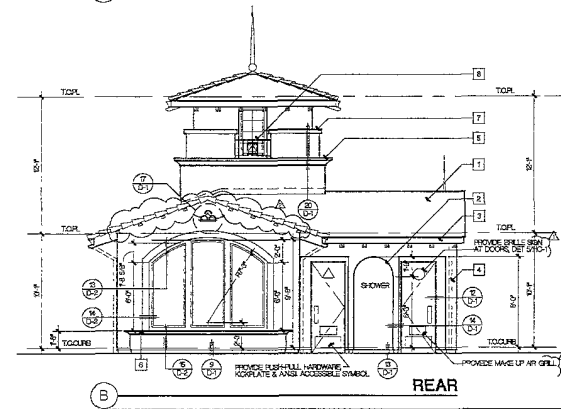
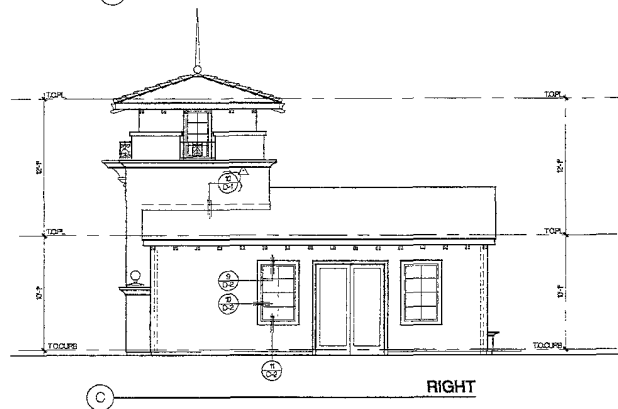
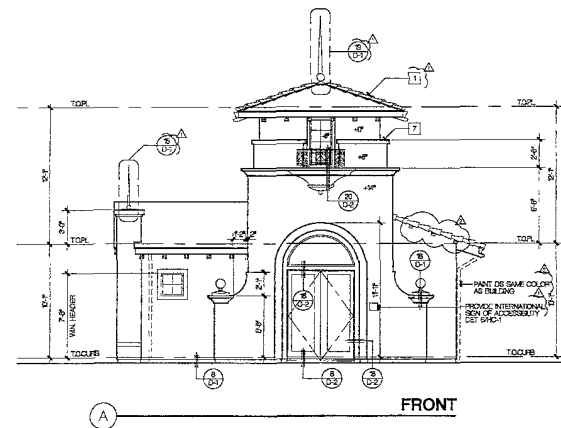
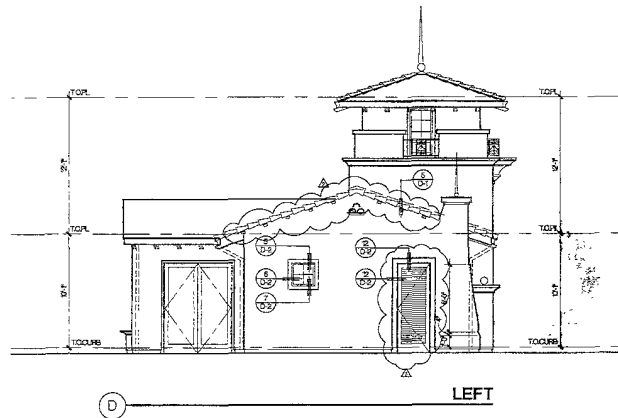
DESIGNED	DATE
CHECKED	SCALE

SHEET  
OF SHEETS








SECTIONS	SCALE, 1/4" = 1'-0"	2
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ELEVATIONS	SCALE: V&P = 1-0"	1
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## KEYNOTES

- [illegible]

No.	Date	Issue / Description
	12/2/03	B.D. SUBMITTAL
	02/12/04	2ND PC SUBMITTAL
	03/08/04	3RD PC SUBMITTAL
	04/29/04	4TH PC SUBMITTAL

**It is the Commission's intention to take into account the impact the proposed measures will have on the environment, and the impact on the environment of such a measure. The Commission will take into account the impact of such a measure on the environment, and the impact on the environment of such a measure.**

Consultant:

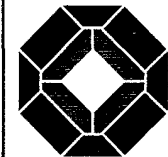
Project :

PARC PLACE  
Recreation Bldg

Milpitas, CA



2003679



**KTGY GROUP, INC.**  
Architecture Planning

1992 MITCHELL SOUTE  
IRVINE, CA 92614

(949) 851-2133  
(949) 851-5156 FAX

(949) 351-2133  
(949) 351-5156 FAX

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License Stamp



Principal in Charge	C. TEXTER
Project Director	C. TEXTER
Project Designer	D. SENDEN
Project Manager	R. LIN

1000

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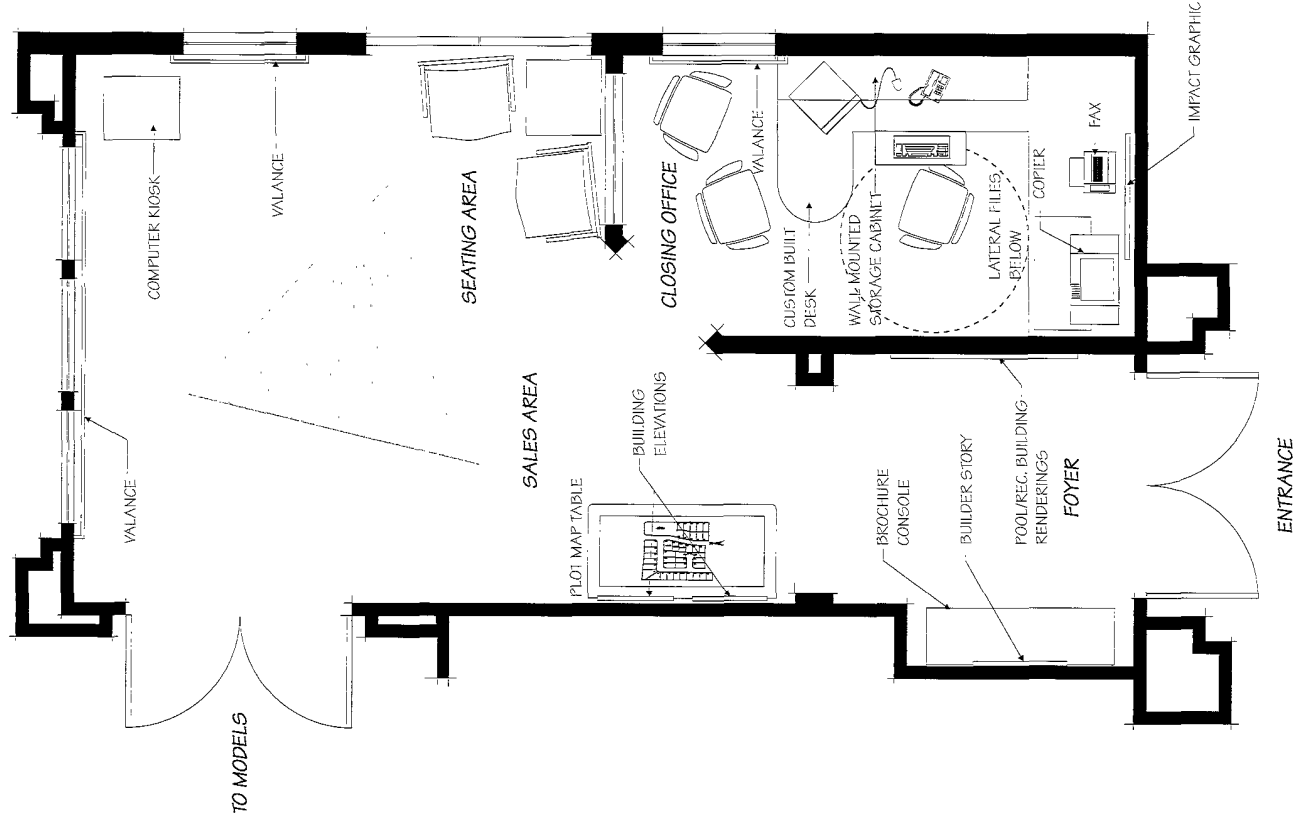
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Sheet Title :  
RECREATION BUILDING  
FIRST FLOOR & ROOF  
PLANS

**TABLE 1**

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Sheet No. **A-2**



**SignTech**  
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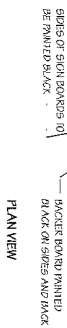
FREMONT, CALIFORNIA  
510.228.0708  
SACRAMENTO, CALIFORNIA  
916.372.1200

DATE: 05-24-04  
REVISION 07-20-04/1 BY D.T.RAN  
SCALE 1/8"=1'-0"

SALES: DAN WORSLEY

DESCRIPTION: SALES CENTER FLOOR PLAN LAYOUT  
CLIENT: WESTERN PACIFIC HOUSING  
PROJECT: PARK PLACE  
DRAWN BY: KENNY

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PLAN VIEW

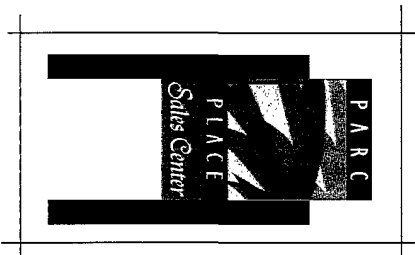


BLACK BAND TO BE PAINTED  
WITH ONE WORD OF ONE LETTER,  
BAND TO BE LEFT WHITE. PAINT  
OF 3 WHITE SQUARE BAND AND  
BANDS PAINTED ON THE PAINTED  
BANDS. LETTERS TO MATCH  
1000 LITER COLORED

LOGO TO BE MATCHED BEHALF  
TOWARD THE SIDE BOARD TO  
BE ATTACHED TO BACKER BOARD,  
BLACK BAND TO BE PAINTED  
WITH ONE WORD OF ONE LETTER,  
BAND TO BE LEFT WHITE. PAINT  
OF 3 WHITE SQUARE BAND AND  
BANDS PAINTED ON THE PAINTED  
BANDS. LETTERS TO MATCH  
1000 LITER COLORED

COLOR BLOCK TO MATCH  
WITH #8242 WITH WHITE  
CONTRASTING ON VINYL  
APPLIED TO FACE

4MM VINYL TO BE PAINTED  
TO MATCH #8242



**SignTech**  
SIGN TECHNOLOGY, INC.

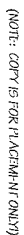
FREMONT, CALIFORNIA  
510.226.0705  
SACRAMENTO, CALIFORNIA  
916.372.1200

DATE 05-24-04  
REVISION  
SCALE 3/4"=1'-0"  
SALES DAN MORSLEY

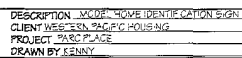
DESCRIPTION SALES CENTER SIGN  
CLIENT WESTERN PACIFIC HOLDING  
PROJECT PARC PLACE  
DRAWN BY KENNY

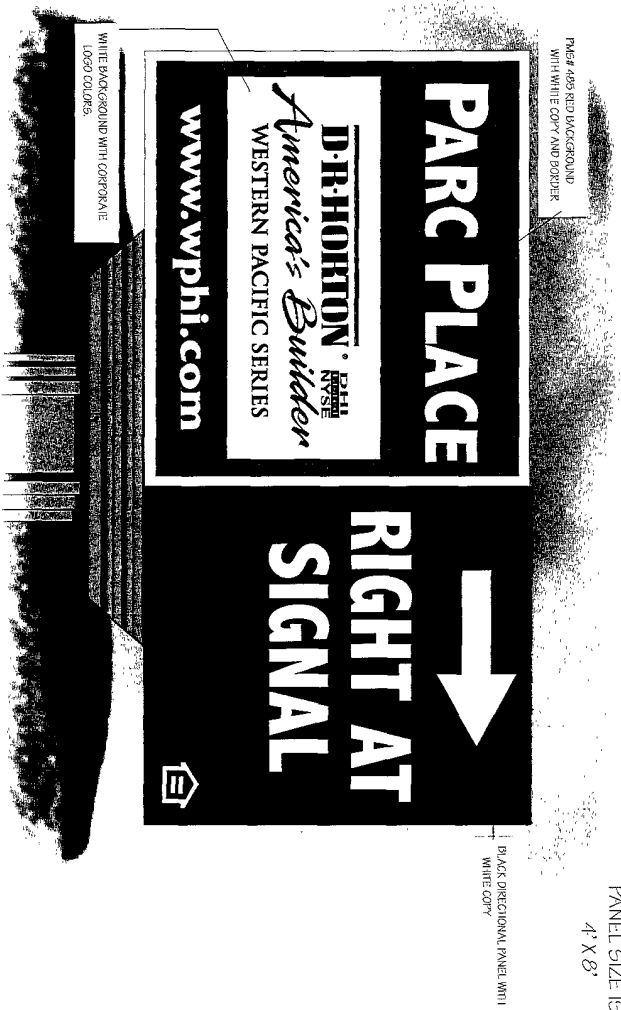
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COLOR BLOCK TO MATCH  
PMS #5843 WITH WHITE  
COMPUTER CUT VINYL  
APPLIED TO FACE





<b>Signitech</b> SIGN TECHNOLOGY, INC. 4775 HANCOCK PLACE FREMONT, CA 94538 (510) 235-2200 FAX (510) 235-0444		PROJECT DESCRIPTION		PROPOSED 4' X 8' OFFSITE SIGN FOR PARC PLACE		
		DATE	5-11-04	CLIENT	WESTERN PACIFIC HOUSING - BAY AREA DIV.	
SCALE		1" = 12"	SURVEY PERSON	DAN WORSLEY	DRAWN BY	JIM EDENS
REVISION			CLIENT APPROVAL	DATE / /		
WORK ORDER NO.		16051				

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<b>Signitech</b> SIGN TECHNOLOGY, INC. 4775 MARLBOROUGH PLACE IRVINE, CA 92614 (949) 261-0700 FAX (949) 261-0844		PROJECT DESCRIPTION: PROPOSED 4' x 8' ONSITE SIGN FOR PARC PLACE	
DATE: 5-11-04	CUSTOMER: WESTERN PACIFIC HOUSING - BAY AREA DIV.		
SCALE: 1" = 12"	SALES PERSON: DAN WORSLEY	DRAWN BY: JIM EDENS	
REVISOR:	REVISION:	CLIENT APPROVAL:	DATE: / /
WORK ORDER NO: 16051			